

ASSEMBLY BILL

No. 811

Introduced by Assembly Member Dymally

February 20, 2003

An act to amend Section 12316 of the Welfare and Institutions Code, relating to in-home supportive services.

LEGISLATIVE COUNSEL'S DIGEST

AB 811, as introduced, Dymally. In-home supportive services: provider payments.

Existing law provides for the In-Home Supportive Services (IHSS) program, under which, through employment by the recipient, by or through contract by the county, or by the creation of a public authority or pursuant to a contract with a nonprofit consortium, qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes.

Existing law permits the City and County of San Francisco to implement a pilot project for a specified period for the delivery of pooled services under the IHSS program.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12316 of the Welfare and Institutions
- 2 Code is amended to read:

1 12316. (a) The City and County of San Francisco may
2 implement a pilot project of not less than three years' duration to
3 implement the provision of pooled services under this article
4 through a modified delivery system in no more than five
5 HUD-subsidized senior housing facilities owned by nonprofit
6 organizations. If the department deems that a waiver of statutes or
7 regulations is necessary, the pilot project shall be operated in
8 accordance with that waiver. The purpose of the pilot project shall
9 be to improve consumer satisfaction with in-home supportive
10 services.

11 (b) (1) A pool of providers shall be selected by consumers, site
12 staff, and the county to provide in-home supportive services under
13 the pilot project consistent with the county's uniform assessment
14 of needs as specified in Section 12309.

15 (2) Authorized nonmedical personal services shall be provided
16 under the pilot project by providers in the pool at the times and
17 frequency appropriate to meet each consumer's need
18 intermittently throughout the course of the day.

19 (3) A memorandum of understanding between the county and
20 the specific sites shall be signed before the project begins.

21 (c) (1) Consumers shall sign a disclosure form that explains
22 the consumer's rights and responsibilities as an indication of their
23 election to participate in the pilot project.

24 (2) Consumers who live in designated senior housing projects
25 shall be offered the option of being serviced by the pilot project.
26 These consumers shall have the option to change that decision at
27 any time.

28 (d) As a separate consumer option under the pilot project,
29 designated related services shall be provided for several
30 consumers simultaneously.

31 (e) The county shall monitor the provision of services under the
32 pilot project to ensure that the level and quality of services
33 provided through the pilot project is at least at the same level that
34 would have been provided under the nonpilot project individual
35 provider service delivery as provided in Section 12302.

36 (f) (1) The department shall, in conjunction with the county,
37 develop a provider timesheet and daily log to track the work
38 performed by providers under the pilot project to ensure
39 appropriate provider payment and to track the work provided for
40 each consumer back to the consumer's authorization.

1 (2) It is the intent of the Legislature that provider ~~payment~~
2 *payments* be issued by the state's Case Management Information
3 and Payroll System (CMIPS) to each provider who provides
4 services pursuant to the pilot project.

5 (g) At the end of three years, the county shall evaluate the
6 success of the pilot project implemented under this section. If the
7 pilot project is successful, the department shall, at the county's
8 request, extend the pilot project for an additional two years. The
9 success of the pilot project shall be evaluated based on the
10 following factors:

11 (1) Consumer satisfaction.

12 (2) Cost effectiveness.

13 (3) Average turnover of providers.

14 (h) In evaluating the project, the county shall ensure all of the
15 following:

16 (1) An independent, impartial, outside evaluator or a county
17 employee independent of the project shall be used.

18 (2) If the county decides to employ an outside evaluator, the
19 county shall be responsible for all costs associated with the
20 evaluation.

21 (3) The department shall approve the evaluation design and
22 plan.

23 (4) Quarterly progress reports shall be completed.

24 (5) If a federal waiver is required, the county shall follow
25 federal waiver evaluation criteria requirements.

26 (i) The department may waive the enforcement of specific
27 statutory requirements, regulations, and standards in the county by
28 formal order of the director pursuant to Section 18204.

29 (j) The department, in coordination with the Director of Health
30 Services, shall seek any federal waivers or approvals necessary for
31 continued funding of the Personal Care Services Program (PCSP)
32 pursuant to Section 14132.95 ~~of the Welfare and Institutions Code~~.
33 The State Department of Health Services shall have 30 days from
34 the date of request by the county to make a determination of the
35 need to seek federal approval and, if the department deems the
36 approval to be necessary, to formally request the approval. The
37 implementation of the pilot project shall occur after any necessary
38 federal waivers or approvals are obtained.

- 1 (k) The pilot project shall be cost-neutral to the state.

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